

**State of Indiana
Forensic Diversion Committee**

MINUTES

Introduction:

The second meeting of the 2006 Forensic Diversion Committee was held on Tuesday, October 10, 2006 in room 431 of the State House in Indianapolis, Indiana. The meeting convened at 10:30 a.m.

Attendance:

A. Committee Members in Attendance:

- Representative Ralph Foley, Chair
- Senator David Long
- Julie VonArx (for J. David Donahue)
- Steve Johnson
- Larry Landis
- Cathy Boggs (for Mitch Roob)
- Robert Hinojosa
- Judy Kuehn
- George Brenner
- Conie Frank
- David Shaheed
- Tom Felts

B. Committee Members Not in Attendance:

- Representative Vernon Smith, Chief Justice Randall Shepard, Brad Ellsworth, Senator Timothy Lanane, Michael Cunegin

C. Staff and Consultants:

- KC Norwalk, Legislative Services Agency
- James M. Hmurovich, Consultant

Topic of Discussion:

A) Ruble v State:

The Chair requested that the staff from the Legislative Services Agency distribute the revised version of PD 3110. The revisions were based upon the discussion held at the last committee meeting. There was a consensus that the revisions made were consistent with the discussion.

B) HB 1125 (prior session) :

Committee Members Steve Johnson provided his observations and a summary of HB 1125 that had been introduced in a prior legislative session. The bill had been a work product of the Forensic Diversion Committee as the committee determined that offenders being released from Department of Correction custody sometimes require foods stamp assistance and cash assistance to transition to the community. Assistance of this type to offenders is considered to be an issue of “public benefit” and “public safety”, not as a “hand-out” to a former convicted person. The assistance has been viewed as a means to provide an transitioning offender with the tools needed to successfully complete reentry to the community. Whereas HB 1125 is considered broad in its impact concerning eligibility for benefits, SEA 523, a bill that has been enacted into law narrows the eligibility for benefits.

A discussion among the Committee Members focused on the following suggested modification to HB 1135:

- Substance abuse treatment should be provided by an addiction services program or a provided certified by the Department of Correction;
- Services are available to an offender with mental health **or** drug treatment;
- Limitation of benefits to 12 months; and,
- The importance of the Family and Social Service Administration developing an application and eligibility determination process that provides services to offenders as soon as possible after custodial release.

A motion to accept changes to HB 1125 was made by Tom Felts and a second was made by George Brenneman. There was a 12-0 vote in favor of the changes.

C) Financing of Forensic Diversion Services:

Committee Member Larry Landis provided a summary and background on the history of the current forensic diversion pilots funded by the Department of Correction. Whereas the law required any county receiving community corrections funds to develop a forensic diversion plan, there was no requirement that the plan needed to be implemented. Approximately \$700,000 per year for two years was allocated for seven pilots through community corrections funding. Mr. Landis noted that prior attempts to raise alcohol taxes in 2003 and 2005 failed in the legislature. He further observed that the concept of forensic diversion is sound public policy and should be viewed as both “crime prevention” and “crime control” because of the potential impact to reduce recidivism.

Deana McMurray, the Director of Community Corrections for the Department of Correction identified four options for expansion of forensic diversion that included additional funding projected upon:

- Existing pilot project outcomes (difficult due to the variation of programs from county to county);
- The Division of mental Health and Addictions Assertive Community Treatment rate;
- Forensic Diversion plans on file for all community corrections counties (difficult because not all plans included a budget); and,
- Department of Correction commitments.

The average cost per offender varied significantly based upon option and even costs within an option, by county due to inconsistent standards, availability of varying individual treatment services, influenced by who or what agency assisted in the preparation of the cost figures.

Discussion among the Committee Members supported the following suggestions:

- Adequate funding, without passing costs onto the county should be reviewed constantly during the public policy discussion;
- A per person cost should include: a) services, b) pre-assessment, c) individual treatment and d) services for dually diagnosed offenders;
- Administrative costs should be considered and standardized;
- A template for preparing a budget should be developed and adopted to promote consistency;

- Metrics must be developed or agreed upon that allows for comparable evaluation of program costs, as well as for how the funding was used and its effectiveness; and,
- Administrative costs should be kept as low as possible to ensure the greatest degree of funding for direct services.

A follow-up discussion was held as to which agency should be the “lead” agency for funding that would promote the greatest degree of accountability, ability to leverage state; local and federal funds and can develop or manage the capacity of a community to meet the service need.

The CEO of Southlake Mental Health Center, Lee Strawhn, provided his observations about the success of the forensic diversion program in Lake County as well as his observation on the importance of developing a public policy on forensic diversion that provides an adequate and continuous revenue source and quality services.

Due to time, the Chair recognized the support for alcohol tax increase to support forensic diversion by Lisa Hutcheson, the Director of the Indiana Coalition to Reduce Underage Drinking and Dee Owens, the Director of the Alcohol-Drug Information Center at Indiana University. The Chair invited both individuals the opportunity to provide information to the Committee staff for education of the Committee Members on this issue.

Scheduling of Next Meeting:

The Chair reaffirmed the date and time for one additional meeting of the Committee for October 18, 2006 at 10:00 a.m. ***in room 233 of the State House.***

Adjournment:

The Chair adjourned the meeting at 12:10 p.m.